



City of Rockville

MEMORANDUM

July 7, 2004

TO: City of Rockville Planning Commission

FROM: Deane Mellander, Planner III

VIA: Bob Spalding, AICP, Chief of Planning

SUBJECT: Proposed Zoning Text Amendment TXT2004-00209; To Amend the Definition of "Swimming Pool, Accessory"

BACKGROUND

The applicant operates a swimming pool at the Rollins Park apartments. This pool was installed in 1961 at a time when such pools were defined as "private, non-commercial" community pools. In approving the special exception for the pool, the City Board of Appeals allowed residents of the surrounding one-family residential community to be members of the pool. The definitions for swimming pools were modified in the 1970's. The subject pool was effectively redefined as a "swimming pool, accessory", which permits such pools to be operated only for the benefit of the residents of the multi-family community. Because the provisions of the special exception were still in effect, the pool became a nonconforming use. When the applicants applied in 2003 for permits to renovate the pool, they were informed that they could not obtain a permit unless they came into conformance with the code, which meant they could no longer offer memberships to residents in one-family detached homes. The text amendment would add a provision to the pool definition that would allow the continuation of the membership program as originally approved.

ANALYSIS

The statement of the applicant, Attachment C, sets forth their rationale for the amendment. In brief, the proposed amendment will allow an accessory swimming pool that had originally been allowed to offer memberships to residents in one-family detached homes under the special exception approval to continue to offer such memberships. Staff believes that the Rollins Park community is the only such situation, so the text amendment would not affect other areas of the City. The pool appears to have operated successfully as part of the community for 40 years.

Staff therefore sees no adverse impact if the text amendment is approved. The limited scope of the text amendment will not adversely impact other areas of the City.

RECOMMENDATION

The staff finds that the proposed text amendment will be a benefit to the affected community and will not adversely affect other communities. Staff therefore recommends approval of proposed text amendment TXT2004-00209 as introduced.

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Attachments: A. Proposed Text Amendment
B. Text Amendment Application
C. Applicant's Statement